

Subsequently, on the 10th of July of the same year, Ann S. Williamson, the wife of the complainant, by her next friend, filed her petition, stating her title to the proceeds of the sale, under the will of Mrs. Jones, the improvident assignment, by her husband, of a portion of the proceeds to the petitioners, Miller and Mayhew, to pay them the notes of a commercial firm of which he was a partner, his insolvency, and her consequent liability to loss, if he, or Miller and Mayhew, are permitted to receive the money; and praying that the proceeds of the sale be invested, under the authority of the court, for the purposes, and in the execution of the objects, of the will of Mrs. Jones, a copy of which was exhibited with the petition. And a petition by the parties entitled in remainder, was filed on the 28th of December of the same year, likewise praying that the proceeds of the sale should be brought into court, for the purpose of being invested.

In opposition to the petition of Mrs. Williamson, Miller and Mayhew, by their answer thereto, filed on the 16th of October, 1850, after speaking of the assignment by Charles Williamson to them, and the direction to his attorney, who held the mortgage for collection, to pay them the amount of the notes: say, and insist, that in point of fact, the said Charles A. Williamson, at the time of the assignment thereof as aforesaid to them, was truly the owner of the said mortgage debt, as he then assumed to be, and authorized in law to make a valid transfer to them of the same. That at the time of said assignment, the said Charles A. Williamson had in fact fully and finally settled, in the Orphans Court for Baltimore County, all accounts that could lawfully be demanded of him as executor of the said Mary Ann Jones, and had made a complete and final distribution of her entire estate, according to law, and in conformity with the provisions of her will.

With this answer, there was exhibited an account, passed by Charles A. Williamson, as executor of Mary Ann Jones, in the Orphans Court, on the 9th of October, 1848, in which he charged himself with the inventory of the personal estate of his testatrix, with cash received, and with the principal sum due